

**Executive Summary – Enforcement Matter – Case No. 47979**  
**City of Godley**  
**RN101919397**  
**Docket No. 2013-2127-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Godley WWTF, located adjacent to West Nolan Creek, 600 feet south of the intersection of State Highway 171 and Farm-to-Market Road 930, Godley, Johnson County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 28, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,000

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 47979**  
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**Docket No. 2013-2127-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 24, 2013

**Date(s) of NOE(s):** November 8, 2013

***Violation Information***

1. Failed to comply with permitted effluent limits for ammonia nitrogen, total suspended solids, and 5-day carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014887001, Final Effluent Limitations and Monitoring Requirements No. 1].

2. Failed to timely submit the annual sludge report [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and TPDES Permit No. WQ0014887001, Sludge Provisions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By December 12, 2013, the Respondent submitted the annual sludge report for the monitoring period ending July 31, 2013.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that annual sludge reports are submitted as required;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and
- c. Within 180 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014887001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Raymond Mejia, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-5460; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** The Honorable David J. Wallis, Mayor, City of Godley, P.O. Box 27,  
Godley, Texas 76044  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	11-Nov-2013	<b>Screening</b>	25-Nov-2013	<b>EPA Due</b>	
	<b>PCW</b>	2-Dec-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Godley				
<b>Reg. Ent. Ref. No.</b>	RN101919397				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	47979	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-2127-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Raymond Mejia
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$4,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 50.0% Enhancement **Subtotals 2, 3, & 7** \$2,000

**Notes** Enhancement for five months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$1,850  
Approx. Cost of Compliance \$14,492  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$6,000

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$6,000

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$6,000

**DEFERRAL** 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$6,000

Screening Date 25-Nov-2013

Docket No. 2013-2127-MWD-E

PCW

Respondent City of Godley

Policy Revision 3 (September 2011)

Case ID No. 47979

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919397

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for five months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 50%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%

Screening Date 25-Nov-2013

Docket No. 2013-2127-MWD-E

PCW

Respondent City of Godley

Policy Revision 3 (September 2011)

Case ID No. 47979

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919397

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014887001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on October 24, 2013, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate five-day carbonaceous biochemical oxygen demand and ammonia nitrogen to determine whether the discharged amount of pollutants exceeded protective levels. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 3

154 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,847

Violation Final Penalty Total \$5,625

This violation Final Assessed Penalty (adjusted for limits) \$5,625

# Economic Benefit Worksheet

**Respondent** City of Godley  
**Case ID No.** 47979  
**Reg. Ent. Reference No.** RN101919397  
**Media** Water Quality  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment	\$14,442	31-Oct-2012	29-Aug-2014	1.83	\$88	\$1,759	\$1,847
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to purchase and replace the blower and return the system to compliance with the permitted effluent limits. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$14,442

TOTAL

\$1,847

Screening Date 25-Nov-2013

Docket No. 2013-2127-MWD-E

PCW

Respondent City of Godley

Policy Revision 3 (September 2011)

Case ID No. 47979

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101919397

Media [Statute] Water Quality

Enf. Coordinator Raymond Mejia

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17) and TPDES Permit No. WQ0014887001, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2013, by September 30, 2013, as documented during a record review conducted on October 24, 2013.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1.0%

Matrix Notes

More than 70% of the requirement was met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

73 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$375

This violation Final Assessed Penalty (adjusted for limits) \$375

# Economic Benefit Worksheet

**Respondent** City of Godley  
**Case ID No.** 47979  
**Reg. Ent. Reference No.** RN101919397  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	30-Sep-2013	25-Sep-2014	0.99	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the annual sludge report and conduct employee training to ensure that annual sludge reports are submitted as required. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$2

EFFLUENT VIOLATION TABLE					
Permitted Effluent Limits	Monitoring Period				
	October 2012	May 2013	June 2013	July 2013	August 2013
Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	3.34	10.68	14.98	6.33	7.96
Ammonia Nitrogen Single Grab Concentration Limit = 15 mg/L	c	16.8	17.3	c	c
Ammonia Nitrogen Daily Average Loading Limit = 9 lbs/day	c	9.55	10.63	25.38	c
TSS Daily Average Concentration Limit = 15 mg/L	c	c	c	c	17
CBOD <sub>5</sub> Daily Average Loading Limit = 30 lbs/day	c	c	c	32.7	c

mg/L = milligrams per liter

lbs/day = pounds per day

TSS = total suspended solids

CBOD<sub>5</sub> = five-day carbonaceous biochemical oxygen demand

c = compliant



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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600630495, RN101919397, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600630495, City of Godley  
**Classification:** SATISFACTORY **Rating:** 30.25

**Regulated Entity:** RN101919397, CITY OF GODLEY  
**Classification:** SATISFACTORY **Rating:** 30.25

**Complexity Points:** 5  
**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** ADJACENT TO WEST NOLAN CREEK, 600 FEET SOUTH OF THE INTERSECTION OF STATE HWY 171 AND FARM-TO-MARKET 930, GODLEY, JOHNSON COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**WASTEWATER** EPA ID TX0104558 **WASTEWATER** PERMIT WQ0014887001  
**WASTEWATER** EPA ID TX0104558 **WASTEWATER LICENSING** LICENSE WQ0010542001

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** January 02, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 02, 2009 to January 02, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Raymond Mejia **Phone:** (512) 239-5460

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 04/18/2011 ADMINORDER 2009-0907-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Interim Effluent Limits PERMIT  
Description: Failure to maintain compliance with the permit effluent limits. Specifically, a grab sample was taken by the investigator at the time of the investigation and the results are as follows: CBOD - 83.5 mg/L (permit limit - 35 mg/L), NH3-N - 60.1 mg/L (permit limit - 15 mg/L), and TSS - 914 mg/L (permit limit - 60 mg/L)  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.5(b)  
Rqmt Prov:WQ0014887001 PERMIT  
Description: Failure to monitor for each parameter at the frequency specified in the permit. Specifically, the Respondent

did not collect and analyze samples for CBOD and NH3-N for the monitoring periods ending December 2008 through March 2009.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:WQ0010542001 PERMIT

Description: Failure to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40%. Specifically, the biochemical oxygen demand and TSS values for the months of November and December 2007, and the TSS and flow values for the month of January 2008 exceeded the permitted limits by more than 40% and were not reported to TCEQ.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:Permit Conditions No. 2.d PERMIT

Description: Failure to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in an unauthorized discharge of partially treated wastewater to water in the state. Specifically, the investigator observed sludge from the clarifier flowing over the weirs into the chlorine contact chamber, through the outfall and into the receiving stream. In addition, algae was growing in and around the clarifier weirs, which short circuited.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov:WQ0014887001 PERMIT

Description: Failure to timely provide monitoring results at intervals specified in the permit. Specifically, the Respondent did not submit the discharge monitoring reports ("DMR") for the months of December 2008, January 2009, and February 2009, by the 20th day of the following month.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:WQ0014887001 PERMIT

Description: Failure to submit a summary submittal letter within 60 days of the permit issuance. Specifically the Respondent was issued TPDES Permit No. WQ0014887001 on November 7, 2008 and the letter was due by January 6, 2009.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter D 305.65

30 TAC Chapter 305, SubChapter F 305.125(2)

Description: Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew TPDES Permit No. 10542001, which expired on March 1, 2008, and continued to discharge wastewater from the Facility without authorization.

## **B. Criminal convictions:**

N/A

## **C. Chronic excessive emissions events:**

N/A

## **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	April 24, 2009	(817195)
Item 2	April 13, 2010	(817204)
Item 3	April 14, 2010	(817205)
Item 4	April 15, 2010	(817206)
Item 5	April 17, 2010	(817196)
Item 6	May 12, 2010	(835258)
Item 7	June 10, 2010	(847610)
Item 8	June 29, 2010	(835256)
Item 9	July 12, 2010	(862012)
Item 10	August 12, 2010	(868586)
Item 11	September 13, 2010	(875480)
Item 12	October 14, 2010	(883020)
Item 13	November 15, 2010	(889438)
Item 14	December 15, 2010	(897802)
Item 15	January 13, 2011	(903691)
Item 16	May 12, 2011	(929546)

Item 17	November 15, 2011	(972864)
Item 18	November 22, 2011	(979002)
Item 19	December 07, 2011	(985838)
Item 20	January 05, 2012	(992190)
Item 21	February 09, 2012	(999504)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 05/31/2013 (1111873)		
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 06/17/2013 (1078187)	CN600630495	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) WQ0014887-001 PERMIT		
	Description: Failure to submit the annual sludge report. Specifically, three sections of the 2010 and 2011 annual sludge report, and the entire 2012 annual sludge report were not submitted. The permittee shall annually report the required information to the TCEQ Regional Office and Water Quality Compliance Monitoring Team by September 1 of each year.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) WQ0014887-001 PERMIT		
	Description: Failure to maintain treatment units. Visual observations and laboratory process control results indicate that the solids inventory in the plant is extremely high.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014887-001 PERMIT		
	Description: Failure to maintain compliance with the permitted effluent limits. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit minimum of 1.0 mg/l for total chlorine residual analysis. The result of the total chlorine analysis was 0.76 mg/l. Compliance with the permitted effluent limits must be maintained.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014887-001 PERMIT		
	Description: Failure to maintain compliance with effluent permit limits. Specifically, during the record review period of February 2011 to October 2012, the following violations were noted:  NH3-N daily average (3 mg/l) - 7 NH3-N daily maximum (10 mg/l) - 3 NH3-N daily average loading (9 mg/l) - 3 TSS daily average (15 mg/l) - 1  Compliance with the permitted effluent limits must be maintained.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)		

WQ0014887-001 PERMIT  
Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period of February 2011 to October 2012, five violations which exceeded the permitted limit for NH3-N daily average by more than 40% were noted. The February 2011 noncompliance notification was the only one provided.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
30 TAC Chapter 319, SubChapter A 319.11(c)

Description: Failure to properly analyze effluent samples. Specifically manganese oxide corrections were not being conducted during each total chlorine residual analysis. The manganese oxide correction must be performed for each total chlorine residual analysis and subtracted from the total chlorine residual concentration.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter D 305.65  
30 TAC Chapter 305, SubChapter F 305.125  
WQ0014887-001 PERMIT

Description: Failed to submit a permit renewal application at least 180 days prior to the expiration date. Specifically the permit expired March 1, 2013, and the permit renewal application was received January 22, 2013. Any permittee with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit.

3 Date: 06/30/2013 (1118774)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

4 Date: 07/31/2013 (1126556)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

5 Date: 08/31/2013 (1131105)

CN600630495

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

6 Date: 09/30/2013 (1136860)

CN600630495

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

#### F. Environmental audits:

N/A

#### G. Type of environmental management systems (EMSs):

N/A

#### H. Voluntary on-site compliance assessment dates:

N/A

#### I. Participation in a voluntary pollution reduction program:

N/A

#### J. Early compliance:

N/A

#### Sites Outside of Texas:

N/A

**Customer, Respondent, or Owner/Operator:** CN600630495, City of Godley **Classification:** SATISFACTORY **Rating:** 30.25

**Regulated Entity:** RN101919397, CITY OF GODLEY

**Classification:** SATISFACTORY

**Rating:** 30.25

## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 1/2/2009 and 1/2/2014

- |   |              |  |          |                 |                 |          |
|---|--------------|--|----------|-----------------|-----------------|----------|
| 1 | Date:        | 04/30/2009   | (817199) | CN600630495     | Classification: | Moderate |
|   | Self Report? | YES For Informational Purposes Only  |          |                 |                 |          |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                 |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |          |                 |                 |          |
| 2 | Date:        | 05/31/2009   | (817200) | CN600630495     | Classification: | Moderate |
|   | Self Report? | YES For Informational Purposes Only  |          |                 |                 |          |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                 |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |          |                 |                 |          |
| 3 | Date:        | 06/30/2009   | (817201) | CN600630495     | Classification: | Moderate |
|   | Self Report? | YES For Informational Purposes Only  |          |                 |                 |          |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                 |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |          |                 |                 |          |
| 4 | Date:        | 07/31/2009   | (817202) | CN600630495     | Classification: | Moderate |
|   | Self Report? | YES For Informational Purposes Only  |          |                 |                 |          |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                 |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |          |                 |                 |          |
| 5 | Date:        | 08/31/2009   | (817203) | CN600630495     | Classification: | Moderate |
|   | Self Report? | YES For Informational Purposes Only  |          |                 |                 |          |
|   | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                 |                 |          |
|   | Description: | Failure to meet the limit for one or more permit parameter   |          |                 |                 |          |
| 6 | Date:        | 04/07/2010   | (797275) | CN600630495     | Classification: | Minor    |
|   | Self Report? | NO For Informational Purposes Only   |          |                 |                 |          |
|   | Citation:    | 30 TAC Chapter 317 317.4(a)(8)<br>30 TAC Chapter 317 317.7(i)  |          |                 |                 |          |
|   | Description: | Failure to have the RPZ assembly tested annually.  |          |                 |                 |          |
| 7 | Date:        | 05/21/2010   | (797275) | CN600630495     | Classification: | Moderate |
|   | Self Report? | NO For Informational Purposes Only   |          |                 |                 |          |
|   | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)  |          |                 |                 |          |
|   | Description: | Failure to properly dispose of sludge. The sludge holding area contained solids although no wasting has taken place from the new WWTF since it came on line in August 2009. Bar screenings were visible mixed with the sludge. |          |                 |                 |          |
|   |              |  |          | Classification: | Minor           |          |
|   | Self Report? | NO For Informational Purposes Only   |          |                 |                 |          |
|   | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)<br>Operational Requirements PERMIT   |          |                 |                 |          |

Description: Failure to properly operate and maintain the new wastewater treatment facility.  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to properly locate the secondary flow measurement device. In addition,  
no calibration certification was available for review during the investigation.  
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
Monitoring and Reporting Requirements PERMIT

Description: Failure to maintain adequate sampling records for total chlorine residual.  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)  
Monitoring and Reporting Requirements PERMIT

Description: Failure to correctly calculate reporting data on DMRs.

8 Date: 02/28/2011 (917851) CN600630495  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

9 Date: 03/31/2011 (929547)  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

10 Date: 04/30/2011 (939548)  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

11 Date: 05/06/2011 (940854)  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate  
Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

12 Date: 05/31/2011 (946959) CN600630495  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

13 Date: 06/30/2011 (954220) Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

14 Date: 07/31/2011 (960799) CN600630495  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

15 Date: 10/26/2011 (962594) CN600630495  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Interim Effluent Limits PERMIT  
Description: Failure to maintain compliance with the permit effluent limits. Specifically, a grab

sample was taken by the investigator at the time of the investigation and the results are as follows: CBOD - 83.5 mg/L (permit limit - 35 mg/L), NH3-N - 60.1 mg/L (permit limit - 15 mg/L), and TSS - 914 mg/L (permit limit - 60 mg/L)

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.5(b)  
WQ0014887001 PERMIT

Description: Failure to monitor for each parameter at the frequency specified in the permit. Specifically, the Respondent did not collect and analyze samples for CBOD and NH3-N for the monitoring periods ending December 2008 through March 2009.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0010542001 PERMIT

Description: Failure to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40%. Specifically, the biochemical oxygen demand and TSS values for the months of November and December 2007, and the TSS and flow values for the month of January 2008 exceeded the permitted limits by more than 40% and were not reported to TCEQ.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0014887001 PERMIT  
Description: Failure to submit a summary submittal letter within 60 days of the permit issuance. Specifically the Respondent was issued TPDES Permit No. WQ0014887001 on November 7, 2008 and the letter was due by January 6, 2009.

16\* Date: 10/31/2012 (1068689) Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

17\* Date: 05/31/2013 (1111873) Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

18\* Date: 06/17/2013 (1078187) CN600630495 Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
30 TAC Chapter 305, SubChapter F 305.125(11)(C)  
WQ0014887-001 PERMIT  
Description: Failure to submit the annual sludge report. Specifically, three sections of the 2010 and 2011 annual sludge report, and the entire 2012 annual sludge report were not submitted. The permittee shall annually report the required information to the TCEQ Regional Office and Water Quality Compliance Monitoring Team by September 1 of each year.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
WQ0014887-001 PERMIT  
Description: Failure to maintain treatment units. Visual observations and laboratory process control results indicate that the solids inventory in the plant is extremely high.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0014887-001 PERMIT  
Description: Failure to maintain compliance with the permitted effluent limits. Specifically, the grab sample collected during the investigation was not compliant with the single grab limit minimum of 1.0 mg/l for total chlorine residual analysis. The result of the total chlorine analysis was 0.76 mg/l. Compliance with the permitted effluent limits must be maintained.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0014887-001 PERMIT  
Description: Failure to maintain compliance with effluent permit limits. Specifically, during the record review period of February 2011 to October 2012, the following violations were noted:  
  
NH3-N daily average (3 mg/l) - 7  
NH3-N daily maximum (10 mg/l) - 3  
NH3-N daily average loading (9 mg/l) - 3  
  
TSS daily average (15 mg/l) - 1  
  
Compliance with the permitted effluent limits must be maintained.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: WQ0014887-001 PERMIT  
Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, during the record review period of February 2011 to October 2012, five violations which exceeded the permitted limit for NH3-N daily average by more than 40% were noted. The February 2011 noncompliance notification was the only one provided.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
30 TAC Chapter 319, SubChapter A 319.11(c)

Description: Failure to properly analyze effluent samples. Specifically manganese oxide corrections were not being conducted during each total chlorine residual analysis. The manganese oxide correction must be performed for each total chlorine residual analysis and subtracted from the total chlorine residual concentration.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter D 305.65  
30 TAC Chapter 305, SubChapter F 305.125  
WQ0014887-001 PERMIT

Description: Failed to submit a permit renewal application at least 180 days prior to the expiration date. Specifically the permit expired March 1, 2013, and the permit renewal application was received January 22, 2013. Any permittee with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit.

19\* Date: 06/30/2013 (1118774)

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

20\* Date: 07/31/2013 (1126556)

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

21\* Date: 08/31/2013 (1131105)

CN600630495

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

22 Date: 09/30/2013 (1136860)

CN600630495

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

\* NOV's applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

## Appendix B

### All Investigations Conducted During Component Period January 02, 2009 and January 02, 2014

(817195)

Item 1\*

April 24, 2009\*\*

For Informational Purposes Only

(740652)

Item 2

May 18, 2009\*\*

For Informational Purposes Only

(817199)

Item 3	August 24, 2009**	For Informational Purposes Only (817203)
Item 4	April 13, 2010**	For Informational Purposes Only (817205)
Item 5*	April 14, 2010**	For Informational Purposes Only (817206)
Item 6*	April 15, 2010**	For Informational Purposes Only (817196)
Item 7*	April 17, 2010**	For Informational Purposes Only (835258)
Item 8*	May 12, 2010**	For Informational Purposes Only (797275)
Item 9	May 21, 2010**	For Informational Purposes Only (847610)
Item 10*	June 10, 2010**	For Informational Purposes Only (828108)
Item 11	June 29, 2010**	For Informational Purposes Only (862012)
Item 12*	July 12, 2010**	For Informational Purposes Only (868586)
Item 13*	August 12, 2010**	For Informational Purposes Only (875480)
Item 14*	September 13, 2010**	For Informational Purposes Only (883020)
Item 15*	October 14, 2010**	For Informational Purposes Only (889438)
Item 16*	November 15, 2010**	For Informational Purposes Only (897802)
Item 17*	December 15, 2010**	For Informational Purposes Only (903691)
Item 18*	January 13, 2011**	For Informational Purposes Only (917851)
Item 19	March 14, 2011**	For Informational Purposes Only (929547)
Item 20	April 13, 2011**	For Informational Purposes Only (940854)
Item 21	May 06, 2011**	For Informational Purposes Only (929546)
Item 22*	May 12, 2011**	For Informational Purposes Only (946959)
Item 23	June 16, 2011**	For Informational Purposes Only (954220)
Item 24	July 14, 2011**	For Informational Purposes Only

(960799)

Item 25 August 17, 2011\*\* For Informational Purposes Only

(962594)

Item 26 October 27, 2011\*\* For Informational Purposes Only

(972864)

Item 27\* November 15, 2011\*\* For Informational Purposes Only

(979002)

Item 28\* November 22, 2011\*\* For Informational Purposes Only

(985838)

Item 29\* December 07, 2011\*\* For Informational Purposes Only

(974147)

Item 30 December 13, 2011\*\* For Informational Purposes Only

(992190)

Item 31\* January 05, 2012\*\* For Informational Purposes Only

(999504)

Item 32\* February 09, 2012\*\* For Informational Purposes Only

(1005044)

Item 33\* March 13, 2012\*\* For Informational Purposes Only

(1011603)

Item 34\* April 04, 2012\*\* For Informational Purposes Only

(1017980)

Item 35\* May 08, 2012\*\* For Informational Purposes Only

(1025726)

Item 36\* June 06, 2012\*\* For Informational Purposes Only

(1033075)

Item 37\* July 06, 2012\*\* For Informational Purposes Only

(1039583)

Item 38\* August 15, 2012\*\* For Informational Purposes Only

(1048506)

Item 39\* September 13, 2012\*\* For Informational Purposes Only

(1068688)

Item 40\* October 10, 2012\*\* For Informational Purposes Only

(1068689)

Item 41 November 19, 2012\*\* For Informational Purposes Only

(1068690)

Item 42\* December 04, 2012\*\* For Informational Purposes Only

(1082295)

Item 43\* January 08, 2013\*\* For Informational Purposes Only

(1082294)

Item 44\* February 05, 2013\*\* For Informational Purposes Only

(1090924)

Item 45\* March 05, 2013\*\* For Informational Purposes Only

Item 46*	April 02, 2013**	(1097262) For Informational Purposes Only
Item 47*	May 07, 2013**	(1108286) For Informational Purposes Only
Item 48	May 08, 2013**	(737815) For Informational Purposes Only
Item 49	June 17, 2013**	(1078187) For Informational Purposes Only
Item 50	June 18, 2013**	(1111873) For Informational Purposes Only
Item 51	July 18, 2013**	(1118774) For Informational Purposes Only
Item 52	August 02, 2013**	(1104248) For Informational Purposes Only
Item 53	August 08, 2013**	(1126556) For Informational Purposes Only
Item 54	September 11, 2013	(1131105) For Informational Purposes Only
Item 55	October 15, 2013	(1136860) For Informational Purposes Only
Item 56	November 08, 2013	(1128009) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF GODLEY  
RN101919397**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2013-2127-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Godley ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located adjacent to West Nolan Creek, 600 feet south of the intersection of State Highway 171 and Farm-to-Market Road 930 in Godley, Johnson County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on October 24, 2013, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

EFFLUENT VIOLATION TABLE					
Permitted Effluent Limits	Monitoring Period				
	October 2012	May 2013	June 2013	July 2013	August 2013
Ammonia Nitrogen Daily Average Concentration Limit = 3 mg/L	3.34	10.68	14.98	6.33	7.96
Ammonia Nitrogen Single Grab Concentration Limit = 15 mg/L	c	16.8	17.3	c	c
Ammonia Nitrogen Daily Average Loading Limit = 9 lbs/day	c	9.55	10.63	25.38	c
TSS Daily Average Concentration Limit = 15 mg/L	c	c	c	c	17
CBOD <sub>5</sub> Daily Average Loading Limit = 30 lbs/day	c	c	c	32.7	c

mg/L = milligrams per liter

lbs/day = pounds per day

TSS = total suspended solids

c = compliant

CBOD<sub>5</sub> = five-day carbonaceous biochemical oxygen demand

4. During a record review conducted on October 24, 2013, TCEQ staff documented that the Respondent did not timely submit the annual sludge report for the monitoring period ending July 31, 2013, by September 30, 2013.
5. The Respondent received notice of the violations on November 12, 2013.
6. The Executive Director recognizes that by December 12, 2013, the Respondent submitted the annual sludge report for the monitoring period ending July 31, 2013.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014887001, Final Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the annual sludge report, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and TPDES Permit No. WQ0014887001, Sludge Provisions.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Six Thousand Dollars (\$6,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Six Thousand Dollar (\$6,000) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of Six Thousand Dollars (\$6,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Godley, Docket No. 2013-2127-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that annual sludge

reports are submitted as required, in accordance with TPDES Permit No. WQ0014887001, Monitoring and Reporting Requirements, and Sludge Provisions;

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d below;
- c. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014887001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations, in accordance with Ordering Provision No. 2.d below; and
- d. The certification required by Ordering Provisions Nos. 2.b and 2.c, shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

7/7/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Godley. I am authorized to agree to the attached Agreed Order on behalf of the City of Godley, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Godley waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

\_\_\_\_\_  
Date

DAVID J. WALLIS  
Name (Printed or typed)  
Authorized Representative of  
City of Godley

MAYOR  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.